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MARGER JOHNSON & MCCOLLOM, P.C.  
210 SW MORRISON STREET, SUITE 400  
PORTLAND, OR 97204

EXAMINER

JEAN GILLES, JUDE

ART UNIT PAPER NUMBER

2143

DATE MAILED: 03/13/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

# Office Action Summary

Application No.

09/895,434

Applicant(s)

REED ET AL.

Examiner

Jude J. Jean-Gilles

Art Unit

2143

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

- 1) ☒ Responsive to communication(s) filed on 14 December 2005.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

## Disposition of Claims

- 4) ☒ Claim(s) 1-61 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-14 and 20-61 is/are rejected.
- 7) ☒ Claim(s) 15-19 is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

## Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 29 June 2001 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

## Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

## Attachment(s)

- ☒ Notice of References Cited (PTO-892)
- ☐ Notice of Draftperson's Patent Drawing Review (PTO-948)
- ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_\_.
- ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_.
- ☐ Notice of Informal Patent Application (PTO-152)
- ☐ Other: \_\_\_\_\_.

### **DETAILED ACTION**

This Action is in regards to the Reply received on 12/14/2005.

#### ***Response to Amendment***

1. This action is responsive the reconsideration request made to the application filed on 12/14/2005. Claims 1-61 are pending. Claims 1-61 have been rejected. Claims 1, 14-18, 23, 28, 29, 36, 49 and 54 have been amended. Therefore, claims 1-61 are currently pending, and represent a method and an system for "gathering device identification and configuration information via physical interface".

In response to Applicant's arguments, 37 CFR § 1.11(c) requires applicant to "clearly point out the patentable novelty which he or she thinks the claims present in view of the state of the art disclosed by the references cited or the objections made. He or she must show the amendments avoid such references or objections."

#### ***Allowable Subject Matter***

2. **Claims 15-19** are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

***Claim Rejections - 35 USC § 103***

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. **Claims 1-10, 12-13, 20-25, 28-32, 34, 36-45, 47, 49-51, 54-58, and 60** are rejected under 35 U.S.C. 103(a) as being unpatentable over Morris et al (morris), U.S. Patent No. 6,694,359 in view of Philyaw et al (Philyaw), U.S. Patent No. 6,823,388 B1.

Regarding **claim 1**, Morris discloses the invention substantially as claimed.

Although Rubin teaches a

an apparatus for gathering network device data (*fig. 2 and fig.3*), the apparatus comprising:

a first non-volatile memory on the network device, said first memory storing defined device-specific data and being writable via the network and being readable (*column 10, lines 34-52*);

a physical read port on the network device, said physical port including a set of one or more signals defining a physical interface and a protocol for reading said data from said first memory (*column 19, lines 45-67*); and

data-gathering means physically separate from but compatible with said read port and programmed to read said data from said first memory in accordance with said protocol, said data-gathering means including a second non-volatile memory for recording said data read from said first memory thereby enabling a user to gather and

record network device data specific to the network device data (*column 19, lines 45-67; column 20, lines 1-26*). However, the network device data does not include hardware or software revision indicia.

In the same field of endeavor, Philyaw discloses a (... The optical reader 4100 of this embodiment has dual functionality, i.e., it may be used for accessing a remote location on a network in either of two distinct ways. First, the optical reader 4100 may be used to access a remote location on a network by optically scanning an encoded indicia (e.g., a bar code) with an optical scanning system. The optical scanning system provides signals indicative of the information encoded in the scanned indicia to an associated computer disposed on a network. The associated computer then proceeds to use the information from the encoded indicia to access a remote location on the network (typically, by first accessing a second computer on the network, e.g., ARS 308) as previously described and illustrated herein (e.g., FIGS. 3, 4a-4e, 16, 18-24). ... ) [see Philyaw, *column 34, lines 10-37*].

Accordingly, it would have been obvious to one of ordinary skill in the networking art at the time the invention was made to have incorporated Philyaw's teachings of a network data indicia with the teachings of Morris, for the purpose of providing network that facilitates using an optical reader to automatically direct a computer to retrieve and display information from a remote location on a network as stated by Philyaw in lines 35-40 of column 1. By this rationale **claim 1** is rejected.

**Regarding claim 2:** The combination Morris-Philyam teaches the apparatus of claim 1, wherein said non-volatile memory is partitioned to include plural storage locations for data of various types (see Morris, column 10, *lines 34-52*).

**Regarding claim 4:** The combination Morris-Philyam teaches the apparatus of claim 2, wherein said types further include network device configuration data (see Morris, column 11, *lines 24-57*).

**Regarding claim 5:** The combination Morris-Philyam teaches the apparatus of claim 4, wherein said network device configuration data include hardware and software configuration data (see Morris, column 11, *lines 24*).

**Regarding claim 6:** The combination Morris-Philyam teaches the apparatus of claim 5, wherein said hardware and software configuration data include hardware and software revision indicia (see Morris, column 11, *lines 24*).

**Regarding claim 7:** The combination Morris-Philyam teaches the apparatus of claim 1, wherein said physical port is mounted in an accessible physical location on the network device (see Morris, column 19, *lines 45-67*).

**Regarding claim 8:** The combination Morris-Philyam teaches the apparatus of claim 7, which comprises plural instances of said physical port in at least two distinct physical locations thereon, said plural instances of said physical port providing parallel access to said first non-volatile memory for reading the device-specific data therefrom (see Morris, column 19, *lines 45-67*).

**Regarding claim 9:** The combination Morris-Philyam teaches the apparatus of claim 8, wherein said plural instances of said physical port are at least two instances

and wherein said two physical ports are physically located adjacent forward and rearward edges of the network device (see Morris, column 19, lines 45-67).

**Regarding claim 10:** The combination Morris-Philyam teaches the apparatus of claim 1, wherein said protocol is bit serial (see Morris, column 17, lines 26-67).

**Regarding claim 12:** The combination Morris-Philyam teaches the apparatus of claim 1, wherein said data are stored in accordance with a predefined format (see Morris, column 14, lines 41-67).

**Regarding claim 13:** The combination Morris-Philyam teaches the apparatus of claim 12, wherein said predefined format is in accordance with the Extensible Markup Language (XML) standard (*Note that this feature is well known in the art*).

**Regarding claim 14:** The combination Morris-Philyam teaches a method of gathering network device data, the method comprising:

providing a network device with a non-volatile memory and with an externally accessible physical data read port thereto ((see Morris, column 10, lines 34-52); and  
preconfiguring the network device with protocols necessary to cause the network device to automatically initiate communication in response to an external reader being physically coupled to the data read port:

programming one or more memory locations in the network device with data regarding a defined identification and a defined configuration of the network device, the one or more memory locations being readable by an external reader mechanism over the data read port(see Morris, column 19, lines 45-67; column 20, lines 1-26; column 18, lines 32-67)also see [see Philyaw, column 34, lines 10-37];

physically coupling the- external reader to the data-read port: and  
automatically initiating communications in response to the physical coupling. The  
automatically initiated communications transferring at least a portion of said data from  
the network device to the external reader mechanism [*see Philyaw, column 34, lines 10-67*].

**Regarding claim 20:** The combination Morris-Philyam teaches a computer-readable medium containing a program for gathering network device data by an external reader mechanism from a network, the program comprising:

instructions residing in the network device for programming one or more memory locations in the network device with data regarding a defined identification and a defined configuration of the network device , the one or more memory locations being readable by an external reader mechanism over an externally accessible physical data read port thereto, said programming instructions being executable responsive to a write command received over a network communication line (see Morris, column 19, lines 45-67; column 20, lines 1-26; column 18, lines 32-67).and

instructions residing in the network device for providing read access, of the programmed data in the one or more memory locations in the network device, to the external reader mechanism responsive to a read prompt from the external reader mechanism ((see Morris, column 19, lines 45-67; column 20, lines 1-26; column 18, lines 32-67) also [*see Philyaw, column 34, lines 10-37*].



**Regarding claim 21:** The combination Morris-Philyam teaches the computer-readable medium in accordance with claim 20, which computer readable medium further comprises:

instructions residing in the external reader mechanism for prompting a read of the programmed data in the one or more memory locations in the network device and for storing the data read therefrom in a non-volatile memory location within the external reader mechanism (see Morris, column 19, *lines 45-67; column 20, lines 1-26; column 18, lines 32-67*).

**Regarding claim 22:** The combination Morris-Philyam teaches the computer-readable medium in accordance with claim 21, wherein the programming of the one or more memory locations within the network device is with data stored in a predefined format and wherein the storing of the programmed data within the external reader mechanism is also in a predefined format (see Morris, column 14, *lines 41-67*).

**Regarding claim 23:** The combination Morris-Philyam teaches Apparatus for gathering network device data (fig. 12, item 351) comprising:

means for providing a network device with a non-volatile memory and with an externally accessible physical data read port thereto (*fig. 12, item 107, 253, 259; column 17, lines 14-19, 24-28, 64-67*), and

means for programming one or more memory locations in the network device with data indicating what hardware is installed in the network device, the one or more memory locations being readable by an external reader mechanism over the data read

port(see Morris, column 19, lines 45-67; column 20, lines 1-26; column 18, lines 32-67 also [see Philyaw, column 34, lines 10-37].).

**Regarding claim 24:** The combination Morris-Philyam teaches the apparatus of claim 23 which further comprises:

means for providing a portable mechanism external to the network device but physically and logically compatible therewith for reading a recording the programmed data from the network device (see Morris, column 7, lines 10-54).

**Regarding claim 25:** The combination Morris-Philyam teaches the apparatus of claim 24 wherein said means for providing of the externally accessible physical data read port includes a predefined physical and logical interface and wherein said means for providing of said portable reader mechanism includes means for reading and recording of the programmed data from the network device in accordance with a predefined protocol (see Morris, column 7, lines 10-54).

**Regarding claim 28:** The combination Morris-Philyam teaches an apparatus for gathering network device data from a network device having a physical port for exporting network device-specific data stored in a memory device therein, the apparatus comprising:

a portable device (*fig. 2, 110, 112 114*);  
a non-volatile memory within said portable device (*fig. 2, 110, 112 114*);  
a processor coupled with the non-volatile memory within said portable device (*fig. 2, 110, 112 114*);and

a physical port on the portable device, said physical port including a set of one or more signals defining a physical interface and a protocol for reading data from the memory device in the network device (*fig. 2, 110, 112 114, 118*);

wherein the non-volatile memory within said portable device is partitioned to include plural storage locations for data of various types, said types including either the hostname, the Internet protocol (IP) address, the medium access control (MAC) address, one or more common language location (CLLI) codes or physical device location information (see Morris, column 24, *lines 48-59; Morris disclose a latency agent, connected to the M-POP switch, that pings any remote device in the network, having an IP address*), thereby enabling a user to gather and record network device data and to transport such network device data to a remote location (see Morris, column 10, *lines 34-52*);

**Regarding claim 29:** is similar to claim 3.

**Regarding claim 30:** is similar to claim 4.

**Regarding claim 31:** is similar to claim 5.

**Regarding claim 32:** is similar to claim 10.

**Regarding claim 34:** is similar to claim 12.

**Regarding claim 36:** The combination Morris-Philyam teaches a system for gathering network device data from a network device, the system comprising:

a first non-volatile memory on the network device, said first memory storing defined device firmware configuration and being writable via the network and being readable (see Morris, column 10, *lines 34-52*);

a physical read port on the network device, said physical port including a set of one or more signals defining a physical interface and a protocol for reading said data from said first memory (see Morris, column 19, lines 45-67); and

a portable reader mechanism programmed to NH said data from said first memory in accordance with said protocol, said portable reader mechanism including a second non-volatile memory for recording said data read from said first memory, thereby enabling a user to gather and record the firmware configuration (see Morris, column 19, lines 45-67; column 20, lines 1-26).

wherein said portable reader mechanism is configured so that a user can gather and record the network device data mechanism to the network device without relying on a network connection (see Morris, column 19, lines 45-67; column 20, lines 1-26).

Regarding **claims 37, 38, 39, 40, 41, 42, 43, 44, 45 and 47**, dependent **claims 37, 38, 39, 40, 41, 42, 43, 44, 45 and 47** are substantially the same as **claims 2, 3, 30, 31, 6, 7, 8, 9, 32, and 34** respectively, and are thus rejected for reasons similar to those in rejecting **claims 2, 3, 30, 31, 6, 7, 8, 9, 32, and 34**.

**Regarding claim 49:** The combination Morris-Philyam teaches a method for gathering network device data, the method comprising:

providing a network device with a non-volatile memory and with an externally accessible physical data read port thereto (see Morris, column 10, lines 34-52);

programming one or more memory locations in the network device with data including hardware or software configuration of the network device, the one or more

memory locations being readable by an external reader mechanism over the data read port (see Morris, column 19, lines 45-67; column 20, lines 1-26; column 18, lines 32-67), and

providing a portable reader mechanism external to the network device but physically and logically compatible therewith for reading and recording the programmed data from the network device (see Morris, column 19, lines 45-67; column 20, lines 1-26; column 18, lines 32-67), and

reading the data with an external reader mechanism over the data read port without the presence of network connectivity (see Morris, column 34, lines 4-67; column 35, lines 1-15) also [see Philyaw, column 34, lines 10-37].

Regarding **claims 50, and 51** dependent **claims 50, and 51** are substantially the same as **claims 34, and 25** respectively,

**Regarding claim 54:** The combination Morris-Philyam teaches a system for gathering network device data from a network device having a physical port for exporting network device-specific data stored in a memory device therein, the apparatus comprising:

a hand-held portable device (*fig. 2*);

a non-volatile memory within said portable device ((see Morris, column 10, lines 34-52);

a processor coupled with the non-volatile memory within said portable device (see Morris, column 10, lines 34-52); and

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a physical port on the portable device, said physical port including a set of one or more signals defining a physical interface and a protocol for reading data from the memory device in the network devices (see Morris, column 10, lines 34-52);

wherein the non-volatile memory within said portable device is petitioned to include plural storage locations for data of various types, said types including network device identification data thereby enabling a user to gather and record network device data and to transport such network device data to a remote location (see Morris, column 10, lines 34-52);

and further wherein said portable device is configured to allow said user to gather and record network device data specific to the network device without relying on a network connection (see Morris, column 10, lines 34-52) also [see Philyaw, column 34, lines 10-37].

Regarding **claims 55, 56, 57, 58 and 60** dependent **claims 55, 56, 57, 58 and 60** are substantially the same as **claims 29, 30, 31, 32, and 34** respectively, and are thus rejected for reasons similar to those in rejecting **claims 29, 30, 31, 32, and 34**.

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6. Claims 3, 11, 26-27, 33, 35, 46, 48, 52-53, 59 and 61 are rejected under 35 U.S.C. 103(a) as being unpatentable over Morris and Philyaw, in view of Pascucci et al (U.S. 6115,713).

**Regarding claim 11:** Morris and Philyaw teach the apparatus of claim 10, but fail to teach an apparatus wherein said interface and protocol are in accordance with the RS-232 standard.

However, Pascucci et al (column 26, lines 43-50; fig. 1, item 1-11) teach *"network control module 1-11 that has a standard RS-232 interface 1-11 with a plurality of ports to provide communication through a modem over another port 1-13, a specialized network terminal over port 1-15 and a computer, or printer over port 1-17."*)

It would have been obvious for an ordinary skill in the art at the time of the invention to use the bit serial communication protocol of Morris and incorporate Pascucci et al's RS-232 standard to *"allow network control and communications with interconnected devices within the network"* as stated by Pascucci in lines 49 and 50 of column 26.

Pascucci et al teach that it is old and well known in the networking art to get the advantage of using RS-232 standard in a bit serial communication system to enhance data access. An artisan in the networking art at the time of the invention would have been motivated to include this combination to get this advantage in a network management and analysis apparatus.

**Regarding claim 3:** the combination Morris-Pascucci teaches the apparatus of claim 2, wherein said network device identification data include one or more of the

hostname, the Internet protocol (IP) address, the medium access control (MAC) address, one or more common language Location Identifier (CLLI) codes and physical device location information for the network device [see Pascucci; column 38, lines 11-67].

**Regarding claim 26:** Morris teach apparatus of claim 25 , wherein the protocol is bit serial, wherein the data are stored in a predefined format, but differ from the current invention in that they do not disclose a method wherein the interface and protocol are in accordance with the RS-232 standard.

However, Pascucci et al (*column 26, lines 43-50; fig. 1, item 1-11*) teach a *"network control module 1-11 that has a standard RS-232 interface 1-11 with a plurality of ports to provide communication through a modem over another port 1-13, a specialized network terminal over port 1-15 and a computer, or printer over port 1-17"*).

It would have been obvious for an ordinary skill in the art at the time of applicant's invention to use the bit serial communication protocol of Morris and incorporate Pascucci et al's RS-232 standard to *"allow network control and communications with interconnected devices within the network"* as stated by Pascucci in lines 49 and 50 of column 26.

Pascucci et al teach that it is old and well known in the networking art to get the advantage of using RS-232 standard in a bit serial communication system to enhance data access. An artisan in the networking art at the time of the invention would have been motivated to include this combination to get this advantage in a network management and analysis apparatus.



**Regarding claim 27:** Morris and Pascucci et al teach all the limitations of claim 26 and Morris further teach a method wherein said predefined format is in accordance with the Extensible Markup Language (XML) standard (*column 17, lines 23-27*).

**Regarding claim 33:** Morris teach the apparatus of claim 32, but fail to teach an apparatus wherein said interface and protocol are in accordance with the RS-232 standard.

However, Pascucci et al (column 26, lines 43-50; fig. 1, item 1-11) teach "*network control module 1-11 that has a standard RS-232 interface 1-11 with a plurality of ports to provide communication through a modem over another port 1-13, a specialized network terminal over port 1-15 and a computer, or printer over port 1-17.*")

It would have been obvious for an ordinary skill in the art at the time of applicant's invention to use the bit serial communication protocol of Morris and incorporate Pascucci et al's RS-232 standard to "*allow network control and communications with interconnected devices within the network*" as stated by Pascucci in lines 49 and 50 of column 26.

Pascucci et al teach that it is old and well known in the networking art to get the advantage of using RS-232 standard in a bit serial communication system to enhance data access. An artisan in the networking art at the time of the invention would have been motivated to include this combination to get this advantage in a network management and analysis apparatus.

**Regarding claim 35:** Morris and Pascucci et al teach all the limitations of claim 34 and Morris further teach a method wherein said predefined format is in accordance with the Extensible Markup Language (XML) standard (*column 17, lines 23-27*).

Regarding **claims 46 and 48**, dependent **claims 46 and 48** are substantially the same as **claims 33, and 35** respectively, and are thus rejected for reasons similar to those in rejecting **claims 33, and 35**.

Regarding **claims 52, and 53** dependent **claims 52, and 53** are substantially the same as **claims 26, and 27** respectively, and are thus rejected for reasons similar to those in rejecting **claims 26, and 27**.

Regarding **claims 59 and 61** dependent **claims 59 and 61** are substantially the same as **claims 33 and 35** respectively, and are thus rejected for reasons similar to those in rejecting **claims 33, and 35**.

### ***Response to Arguments***

6. Applicant's Request for Reconsideration filed on 12/16/2005 has been carefully considered but is not deemed fully persuasive. However, because there exists the likelihood of future presentation of this argument, the Examiner thinks that it is prudent to address Applicants' main points of contention.

A. Applicant contends that the prior art of record does not teach "hardware/.revision software revision indicia " and that the prior art of record Morris only teach retail inventory count information

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B. Morris fails to teach each and every element of the claimed invention, particularly claims 14, 20, 23, and 54 should be allowed for being uniquely patentable over the subject matter of the invention.

C. Morris does not teach any hand held device and converting a MAS to a hand held device would make this quality expensive/difficult to achieve.

As to "Point A" the Examiner is in agreement with the applicant that Morris, alone does not teach all the limitations of the above mentioned claims, and particularly the step of storing and reading hardware/software revision indicia. Accordingly, new patent of Philyam is applied to reject the claimed invention over a prima facie case of obviousness (see rejection of claims above). Claim 15-19 would be allowable if rewritten in independent form including all of the limitations of claim 14 and any intervening claims.

As to "points B and C" , see rejection of claims 14, 20, 23, and 54 above.

**Conclusion**

7. **THIS ACTION IS MADE NON-FINAL.** Any inquiry concerning this communication or earlier communications from examiner should be directed to Jude Jean-Gilles whose telephone number is (571) 272-3914. The examiner can normally be reached on Monday-Thursday and every other Friday from 8:00 AM to 5:30 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, David Wiley, can be reached on (571) 272-3923. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (571) 272-9000.

Jude Jean-Gilles

Patent Examiner

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JJG 

March 03, 2006

  
DAVID WILEY  
SUPERVISORY PATENT EXAMINER  
TECHNOLOGY CENTER 2100